| 1        |                                                                                                              | HONORABLE JOHN C. COUGHENOUR                                                           |
|----------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
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| 7        | UNITED STATES DISTRICT COURT<br>FOR THE WESTERN DISTRICT OF WASHINGTON                                       |                                                                                        |
| 9        | BERNADEAN RITTMANN, FREDDIE<br>CARROLL, JULIA WEHMEYER, and RAEF<br>LAWSON individually and on behalf of all |                                                                                        |
| 10<br>11 | others similarly situated,                                                                                   | No. 2:16-cv-01554-JCC                                                                  |
| 12       | Plaintiffs,<br>v.                                                                                            | DECLARATION OF CATHY JOHNSON<br>IN SUPPORT OF DEFENDANTS'<br>OPPOSITION TO PLAINTIFFS' |
| 13<br>14 | AMAZON.COM, INC., and AMAZON LOGISTICS, INC.,                                                                | MOTION FOR NOTICE TO BE ISSUED TO SIMILARLY SITUATED EMPLOYEES PURSUANT TO 29 U.S.C.   |
| 15       | Defendants.                                                                                                  | § 216(b)                                                                               |
| 16       |                                                                                                              | ORAL ARGUMENT REQUESTED                                                                |
| 17       |                                                                                                              | NOTE ON MOTION CALENDAR:<br>JANUARY 20, 2017                                           |
| 18       |                                                                                                              |                                                                                        |
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| 23       |                                                                                                              |                                                                                        |
| 24       | DECLARATION OF CATHY JOHNSON                                                                                 |                                                                                        |
| 25       | NO. 2:16-CV-01554-JCC                                                                                        |                                                                                        |
| 26       |                                                                                                              | MORGAN, LEWIS & BOCKIUS LLP                                                            |

## **DECLARATION OF CATHY JOHNSON**

- I, Cathy Johnson, hereby declare as follows:
- 1. I have personal knowledge of the factual statements set forth in this declaration.
- I currently work providing delivery services as an independent contractor for the Amazon Flex program.
- 3. I have worked as Delivery Partner ("DP") in the Amazon Flex program since January 2016 around Chesapeake, VA at Amazon's UVA2 Prime Now location.
- 4. I signed up to be a DP on-line on Amazon's website. I understood that when I signed up that I would be working as an independent contractor and not as an employee of Amazon. My impression when I applied was that I would show up to the distribution center, pick up items for delivery, and deliver those items. I knew that I would be responsible for maintenance on my car and would be paid by block and eligible for tips.
- 5. I did not receive any training from Amazon. Instead, I looked at videos available on an app on my phone. There were videos with a general overview of a DP's responsibilities, about how to make a delivery, and other topics. I watched all of the videos.
- 6. On days when I have a block, I go to the distribution center and park outside in the parking lot.
- 7. I pick up my items for delivery and then leave the distribution center. I load my car and go. I use the itinerary provided on the app to load my packages first in, last out on the route. This takes a few extra minutes on the front end, but when I get to each stop, it's quicker and more efficient when I reach the stop because I don't have to look for packages. I am given

an itinerary in the app to follow and can pull up a visual of the stops on a map in the app. I don't have to follow the route in the app—it's only a suggestion. I can choose any route that I prefer, which I used to do because the routing the computer created sometimes took longer, but the app routing has improved, and now I follow the app's route.

- 8. The majority of the blocks I pick up are two-hour blocks, but I have delivered during 1-hour and 3-hour blocks too. I estimate I average 30-40 hours every week delivering for Amazon Flex through blocks I pick up.
- 9. I live in Newport News in an area that we call the "Peninsula." I have found that most people who live on what we call the "Southside" on the other side of the water don't always want to come to the Peninsula because it is more complicated driving back and forth due to traffic back-ups going through bridges and tunnels. The Peninsula routes are also further away from everything else. So, especially during the last block of the day, I will let Amazon employees on site and the DPs know that I can take a route on the Peninsula which is closer to my house but considered a less favorable route. Regardless of whether I receive a route on the Peninsula when requested, I will deliver the route provided to me as expected because that is what I contracted to do, and I think it is important to meet my end of the bargain.
- 10. If I have questions, I usually call the centralized Amazon Flex support center. On occasion, I have asked Amazon employees questions while I'm at the distribution center, and they always tell me to call the support center and do what the support center suggests.
- 11. I really enjoy being self-employed as a DP. As I am self-employed, I feel that Amazon Flex puts the "flex" in flexible for me. I also have a photography and video business. I

am able to do both because I can set my own schedule as a DP and work as little or as much as I want when I want.

- 12. I understand that this declaration is being provided in connection with a lawsuit brought against Amazon by current and/or former DPs who claim that Amazon should have classified them as employees and paid them minimum wage and overtime. I understand that the plaintiffs are seeking to represent current and former DPs, including me, in the lawsuit. I understand that I may be invited to join the lawsuit and that I could be eligible to participate. What I say in this declaration is the truth. I also understand that the lawyer(s) who interviewed me and prepared this declaration for me represent Amazon and do not represent me.
- 13. I am providing this statement voluntarily and without any duress, threats, intimidation or coercion. I understand that I did not have to give this declaration, can provide or refuse to provide a declaration or testimony, and know that giving information in this declaration is not a condition of my contract with Amazon. I attest to the information in this declaration voluntarily and of my own free will.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on December 11, 2016 in NEWPORT NEWS, Virginia.

Cathy Johnson